IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

:

:

10/786,416

Confirmation No. 2813

Applicant

BAYCHAR

Filed

February 26, 2004

Title

RUNNING SHOES, HIKING SHOES AND BOOTS,

SNOWBOARD BOOTS, ALPINE BOOTS, HIKING BOOTS, AND THE LIKE, HAVING WATERPROOF/BREATHABLE

MOISTURE TRANSFER CHARACTERISTICS

TC/AU

1794

Examiner

E.M. Cole

Docket No. :

BAY-510

Customer No.:

24956

Director of the U.S. Patent Office Mail Stop DD P.O. Box 1450 Alexandria, VA 22313-1450

UNDER § 1.97 AND § 1.98

Sir:

In accordance with the duty of disclosure, Applicant informs the Examiner of the documents cited during prosecution of related applications, U.S. Serial No. 11/544,569, in an Office Action dated July 30, 2009, U.S. Serial No. 11/822,571, in an Office Action dated May 13, 2009 and U.S. Serial No. 12/149,116, in an Office Action dated May 27, 2009.

1. This IDS should be considered:

- (a) when filed within three months of the filing date of the present application, or within three months of the filing date of the National Stage as set forth in § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever occurs last;
- (b) when filed before the mailing date of either a Final Rejection under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first and when 1(a) does not apply. For this purpose, there is included herein either a certification in

section 4 below (included when indicated by a marked box), or a fee of \$180.00 (a Credit Card Payment Form in the amount of \$180.00 is enclosed, or if not see section 5 below);

- (c) when filed prior to the payment of the Issue Fee, when 1(a)-(b) do not apply, and when a certification is included in section 4 below (included when indicated by a marked box); then the Applicant(s) hereby petition(s) and request(s) consideration of this IDS, and provided herewith is a fee of \$180.00 (a Credit Card Payment Form in the amount of \$180.00 to cover the petition fee, or if not see section 5 below).
- 2. When 1(a)-(c) do not apply, then it is requested that this IDS be placed in the file.
- 3. Listing of the information submitted is on the attached Form PTO-1449, which forms a part of this IDS. A copy of each listed document is enclosed when needed.
- 4. If a fee or additional fee is required, the Commissioner is hereby authorized to charge any fee or additional fee that may be required and credit any excess to Deposit Account No. 50-1417.
- 5. No explanation of relevancy is being provided for the following document(s) because each is either in the English language, discussed in the present Specification, or its relevance is as stated in a communication from a foreign patent office in a counterpart foreign application.
- 6. If the PTO determines that part(s) of the required content is inadvertently omitted, then it is requested that the Applicant(s) be given additional time and specific identification of such omission(s) to enable full compliance.

Respectfully submitted,

MATTINGLY & MALUR, P.C.

By /Shrinath Malur/ Shrinath Malur Reg. No. 34,663 (703) 684-1120